

Amendments to the Drawings:

Figs. 1-3 replace the original drawing.

REMARKS

The present invention is a device for a motor vehicle for providing accident protection during an energy impact directed laterally against a motor vehicle door as a result of a collision. The device includes, in accordance with an embodiment of the invention, a connecting structure 7 including a first part T1 and a second part T2, the first part being for connection to the motor vehicle door 6 and the second part being for connection to an energy absorbing area 5 of a motor vehicle body located in an interior of the motor vehicle, and the parts being connectable by at least one section F which diverts at least part of the energy impact directed laterally on the vehicle door into the energy absorbing body of the motor vehicle. At least one of the parts comprises a shape transformable material which undergoes, due to an input of energy, a change in shape causing the parts to adjoin and interlock. See paragraphs [0009]-[0012] of the Substitute Specification.

The drawing stands objected to as not showing how the parts T1 and T2 are interlocked as described in the specification and claims. Submitted herewith are amended drawings which include Fig. 1 including amendments to the original figure of drawings and new Figs. 2 and 3 which are supported by the original specification. Fig. 2 corresponds to the embodiment described in paragraph [0019] of the Second Substitute Specification which was included with the application as filed. Moreover, Fig. 3 is based upon the subject matter of original claim 3. The description to Figs. 2 and 3 is supported by the original specification and claims and, therefore, is not new matter. The Examiner's approval for the amendment of the drawings, including the

addition of new Figs. 2 and 3 and the corresponding amendments made in the specification to describe the amended drawings is respectfully requested. Accordingly, it is submitted that the objection to the drawings as set forth in Section 1 of the Office Action have been overcome.

Claims 1-20 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Newly submitted claims 21-40, based upon the amendment of the specification and the inclusion of new drawings, are submitted to be in compliance with the first paragraph of 35 U.S.C. §112.

The Examiner's inquiry regarding how the parts are interlockable and unlockable is noted. The current claims have been amended to only recite that the parts are interlockable. It is submitted that a person of ordinary skill in the art would find the interlockable feature of the parts to be supported by the original specification's description of the engagement between the two parts consequent from the energy input of the collision and/or the input of energy into the transformable material.

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 21-40 have been amended to recite "at least one of the first and second parts" to avoid the "and/or" language to which the Examiner objects.

Claims 1-5 and 7-16 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,312,045 (Kitigawa). These grounds of rejection are traversed with respect to newly submitted claims 21-40.

The Examiner reasons that the actuator 25 of Kitagawa, which is understood to be a conventional lock pin actuator, corresponds to the claimed transformable material which changes shape in response to an input of energy. Kitagawa discloses the lock pin actuator 25 in the description of various embodiments but nowhere is there any description of a change of shape of material connected with the actuation. What occurs in a lock pin actuator is that the pin extends into a locking hole 24 of the door. It is submitted that a person of ordinary skill in the art would not consider a lock pin actuator, which has a displaceable pin to cause locking, to meet the limitation of the claimed shape transformable material which changes in shape. A change in position of the movable pin does not describe a transformable material which changes shape.

Moreover, it is submitted that the Examiner has not demonstrated where there is at least one section which diverts at least part of the energy impact directed laterally on the door into the energy absorbing area of the body. In other words, the Examiner has not demonstrated where the first and second parts and the at least one joining section are found in the lock pin actuator 25 of Kitigawa. Accordingly, it is submitted that claims 21-40 are not anticipated by Kitigawa.

Moreover, it is submitted that claims 26 and 37-40, which define the transformable material as being at least one of piezo-ceramics, piezo-polymers, electrostrictive ceramics, electrorheological fluids, polymer gels, magnetorheological fluids, shape-memory alloys, and shape-memory polymers, have no counterpart in Kitigawa. A person of ordinary skill in the art would not consider the lock pin actuator 25 of Kitigawa to correspond to these materials.

The specification has been further revised to improve its form for reexamination by the Examiner.

In view of the foregoing amendments and Remarks, it is submitted that each of the claims in the application is in condition for allowance.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (785.46183X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Donald E. Stout/
Donald E. Stout
Registration No. 26,422
(703) 312-6600



Attachments

DES:dlh